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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazuhiro ASADA

Group Art Unit: 2882

Application No.: 09/899,919

Examiner: R. H. Kim

Filed: July 9, 2001

Docket No.: 110064

For: OPTICAL CONNECTOR

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the July 1, 2003 Office Action, reconsideration of the rejections and objections is respectfully requested in light of the following remarks.

Claims 1-5 are pending. Applicant gratefully acknowledges that the Office Action indicates that claim 5 contain allowable subject matter. However, Applicant asserts that all of claims 1-5 are allowable for the reasons discussed below.

The Office Action rejects claims 1-4 under 35 U.S.C. §103(a) over U.S. Patent 5,452,386 to van Woesik in view of U.S. Patent 6,174,091 to Herrmann. This rejection is respectfully traversed.

Neither van Woesik nor Herrmann, alone or in combination, teaches or suggests an optical connector including, *inter alia*, a housing having a cord receiving hole portion and a mounting hole, the cord receiving hole portion receiving an optical fiber cord to be inserted along an axis of the optical fiber cord in a cord insertion direction, and a stopper including a plate-like portion having a positioning slit between blade portions, each of the blade portions

being formed by a side edge of the positioning slit joined at a right angle to a distal end edge of the plate-like portion, wherein the housing has stopper retaining portions for holding the plate-like portion of the stopper, the stopper retaining portions engaging a retaining side of the plate-like portion and having a cross-section perpendicular to the cord insertion direction, and when the stopper is inserted into the mounting hole along the cord receiving hole portion, the each of the blade portions penetrates into a covering portion of the optical fiber cord, with the positioning slit being perpendicular to the axis of the optical fiber cord, while the blade portions each removes a portion of the covering portion, as recited in claim 1.

Instead, van Woesik discloses a clip 12 having a pair of plates 64 connected by a base 62. In particular, van Woesik teaches that each plate 64 having a pair of legs 66 separated by a slit 67 and ending in chamfered blades 68. See col. 4, line 63 – col. 5, line 6 and col. 5, lines 50-66 and Figs. 11-12 of van Woesik. Thus, van Woesik fails to teach or suggest the blade portions of the stopper as having a right angle joining the side edge of the positioning slit and the distal end edge of the plate-like portion, as provided in Applicant's claim 1.

Also, while the clip 12 in van Woesik includes retention pips 70 to engage with the walls of the slots 33 on the housing 4 for securing the clip 12, the slots 33 fail to include any means on the housing 4 to secure the retention pips 70 in place during insertion of the clip 12. See col. 5, line 67 – col. 6, line 5 and Figs. 18 and 19 of van Woesik. Thus, van Woesik does not teach the stopper retaining portions, as provided in Applicant's claim 1.

Herrmann does not compensate for the deficiencies of van Woesik outlined above for claim 1. Nor does Herrmann teach, disclose or suggest the additional features recited in claims 2-4. Instead, Herrmann discloses a fiber optic connector having a fiber holding clip 10 inserted into a connector housing 2 through an opening 9. In particular, Herrmann teaches that the clip 10 includes a first limb 11 with chamfered limbs to pierce an insulating sheath 7 protecting an optical waveguide 8 of an fiber optic cable 6, and a second limb 13 with two parts each having a latching hook 14 that engages the housing 2 at a latching lug 16 along a

cross-section interface that is parallel to the direction of fiber optic cable insertion. See col. 2, lines 40-60, col. 3, lines 11-16 and Figs. 2-5 of Herrmann.

The absence of any teaching or suggestion in either van Woesik or Herrmann for joining the distal and side edges at a right angle mitigates against Applicant's featured configuration as being merely a design choice. Further, the applied references also fail to provide for removing material from the cord covering. Rather, because the blades/limbs of van Woesik and Herrmann are chamfered, the clips of the applied references could be expected to cause the cord covering to deflect away from the blades/limbs.

With respect to the dependent claims, these arguments apply by extension to claims 2-4 by their dependence from claim 1. Further, neither van Woesik nor Herrmann teaches the optical connector including, *inter alia*, the side edge of the positioning slit for the blade portions each projects a gable wedge having a cross-section corner along a thickness midline of the side edge for the blade portions, the cross-section corner extending toward the positioning slit, as recited in claim 3 and illustrated in Fig. 11. Instead, van Woesik and Herrmann both provide flat edges through the thickness of their respective clips. The first limb 11 in Herrmann and the blades 68 in van Woesik feature exhibit straight cross-section edges until tapering at their end tips. See Fig. 4 of Herrmann and Fig. 12 of van Woesik.

Also, van Woesik and Herrmann fail to teach or suggest the optical connector including, *inter alia*, the distal end edge of the plate-like portion slants from a first cross-section face of the plate-like portion to a second cross-section face of the plate-like portion, as recited in claim 4 and illustrated in Fig. 12. Instead, Herrmann provide straight line outer edges through the limb thickness. Also, van Woesik provides a chamfered variation in edge profile from either end of the thickness to the middle, but no such variation between these ends. See Fig. 15 of van Woesik. The advantage provided by Applicant's features in claims 3 and 4 include a sharper edge through which to cut through the cord covering that appears absent from the applied references.

Applicant asserts that the Examiner's allegations that it would have been obvious to one of ordinary skill in the art to implement (1) removing a portion of the cord covering by the blade portions, (2) joining the side edge of the slit and the distal edge of the plate-like portion at a right angle as a design choice, and (3) projecting a gable wedge in the blade portions are merely conclusory statements, and that no support for such statements has been provided. When relying on what is asserted to be general knowledge to negate patentability, that knowledge must be articulated and placed on the record. Providing only conclusory statements when dealing with particular combinations of prior art in specific claims cannot support an assertion of obviousness. *In re Lee*, 61 USPQ 2d 1430, 1434-35 (Fed. Cir. 2002).

Although the Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well known" in the art, "if the applicant traverses such an assertion, the Examiner should cite a reference in support of his or her position." See MPEP §2144.03. Thus, Applicant submits that the reliance on unsupported *per se* knowledge does not negate the patentability of the subject matter of claims 1-4, nor has a *prima facie* case of obviousness been established. Accordingly, Applicant respectfully submits that the basis for the §103 rejection is unreasonable.

A *prima facie* case of obviousness for a §103 rejection requires satisfaction of three basic criteria: there must be some suggestion or motivation either in the references or knowledge generally available to modify the references or combine reference teachings, a reasonable expectation of success, and the references must teach or suggest all the claim limitations. See MPEP §706.02(j).

The Office Action has not satisfied this burden with van Woesik and Herrmann because neither reference, nor their combination, teaches or suggests all of Applicant's claimed features. Hence, the claims are patentable over these applied references.

For at least these reasons, Applicant respectfully asserts that the claims are now in condition for allowance. Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. §103 rejection of claims 1-4.

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

Date: October 1, 2003

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